

1. A three page article entitled IHR ONKEL KONSTANTIN (Her Uncle Constantine) together with several pictures including those of Prime Minister KARAMANLIS and Minister of the Interior MAKRIS was published in the 28 September 1960 issue of DER SPIEGEL.

2. The article reported on the early developments in the trial as well as the events leading up to the trial now taking place in the Kiel State Court in Germany. Dr. Max MERTEN, Berlin attorney and alleged war criminal, has charged the President of the Schleswig-Holstein Court of Accounts (Landesrechnungshof), Dr. Karl MARBACH, with lying under oath.

3. Both Dr. MARBACH and Dr. MERTEN served in the Salonika area of Greece during World War II. Both were civilian officials with the German Army administrative headquarters for the Salonika Command and each served as chief of administration. Dr. MERTEN replaced Dr. MARBACH when the latter was returned to Germany for service on the Russian front.

4. During the German occupation of Greece in World War II, numerous crimes and atrocities were committed by the German Army including the destruction of complete villages, the executions of the village inhabitants, and actions against the Greek Jewish community. One of the best known anti-Jewish actions was the so called "Freedom Square Jewish Registration Action" which took place on 11 June 1942 and in which over 9000 Jews of the Salonika area were gathered together for the purpose of being registered. While the registration action was taking place, they were subjected to extreme physical abuses.

5. Upon his arrival in Greece, MERTEN replaced MARBACH and remained in Greece until sometime in 1944 when he was returned to Germany for Court Martial charged with placing Greek interests above those of the 3rd Reich. The Court Martial never took place and the war ended soon after. MERTEN, as a former occupation official, fell into the "Automatic Arrest" category and was detained for over a year by United States military authorities. The Greek Government was notified of his arrest and asked if they desired his deportation to Greece to face war crimes charges. The Greek Government on two separate occasions stated that there were no charges against him and declined the offer.

6. On 26 April 1957, MERTEN came to Athens to give evidence in a court restitution case involving a German national formerly resident in Greece. Upon his arrival in Athens, MERTEN checked in with the German Embassy and asked if he could safely give evidence without fear of arrest. He was directed to report to the Greek States Attorney TOUSSIS who was concerned with the prosecution of German war criminals. TOUSSIS immediately arrested MERTEN, the first German to appear before him following his government's decision some four weeks earlier to renew efforts to prosecute German war criminals. MERTEN was charged with complicity in the "Freedom Square" action, complicity in reprisal actions against Greek villages, and personally profiting from the sale of confiscated Jewish property.

7. MERTEN protested his innocence and insisted that he did not arrive in Athens until 6 August 1942, several months after the "Freedom Square" action. To further support his claims, MERTEN related how he opposed the transfer of Jews from Salonika to Auschwitz death camp and was summoned to Berlin to discuss the affair with Adolf EICHMANN (Obersturmbannfuehrer-SS). He was able to persuade EICHMANN that it would be a waste of scarce transportation to send the Jews back to Germany and suggested that they be deported to Palestine. EICHMANN agreed and contacted, in MERTEN's presence, Dr. GLOBKE, referent for Jewish affairs. GLOBKE refused EICHMANN's suggestion but EICHMANN went ahead on his own and approved the deportation. The plan failed, however, because Lord MOYNE, the responsible official for the British Mandate of Palestine, refused saying "They (the Jews) cause me only trouble."

8. Without investigating this easily proven or disproven story, the Government of Greece sentenced MERTEN to 25 years in jail. He was actually released some 30 months later and returned to Germany.

9. While in jail and awaiting trial, MERTEN, through the German Embassy, requested that his predecessor, Dr. MARBACH, be questioned and furnish statements to prove MERTEN's innocence. After much prodding MERTEN received a copy of a statement made by MARBACH under oath in which he denied every meeting MERTEN or any knowledge of any war crimes, atrocities, reprisal actions, Freedom Square Action, etc. MERTEN did not receive a copy of the questions asked MARBACH by the Bonn Government but only a copy of the answers to these questions.

10. In the Kiel court trial, German Army documents were produced which indicated that Dr. MARBACH had counter-signed reports dealing with severe reprisal actions inflicted upon Greek villages and could not have helped but known of the "Freedom Square Action." In addition, MERTEN swears that he had a several week overlap with MARBACH during which time numerous administrative details were discussed and MARBACH's denial of ever meeting him are false.

11. MARBACH, for his defense, has produced expert medical testimony which testified that it would be only natural for MARBACH to have forgotten the unpleasant occurrences in Greece since he has suffered much mental anguish and the mind tends to force out unpleasantness and retain only pleasant happenings. Following his return from Greece, MARBACH was sent to the Russian front as a corporal, contracted polio, and has been confined to a wheel chair ever since.

12. MERTEN feels that the German Government has been negligent to the point of criminal negligence in the handling of his arrest, etc. He also feels that MARBACH lied under oath and that in order to obtain his "rehabilitation" he must obtain the truth hence the suit.

13. The SPIEGEL article summarizes the situation that both parties looked with confidence towards the trial verdict: MARBACH was assured of escaping punishment for lying under oath because of his sufferings which

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caused his poor memory and MERTEN would be rehabilitated because his excellent memory assured him that it would be impossible for the charge of profiting from the sale of confiscated Jewish properties, the charge most difficult to prove was false, could not be made to stick. This was made possible by the proof offered by MERTEN in the form of a picture which showed MERTEN, his secretary Doxoula LEONTIDU, her fiancée Demetrios, and her Uncle Konstantin on an outing. MERTEN explained that these three had received a silk storehouse containing silk in the value of 15,000 pounds sterling which had formerly belonged to a Jewish merchant. The SPIEGEL goes on to state "Max MERTEN had no difficulty in establishing the addresses of the three who were the recipients of the Jewish property:

Uncle Constantine KARAMANLIS, Royal Prime Minister of Greece, living in Athens.

Fiancée Demetrios MAKRIS, Royal Minister of the Interior, living in Athens.

Secretary Doxoula MAKRIS, wife of Demetrios and sharing his Athens home.

These three people provided, like many other of their fellow Greeks, information for the German commander of the Salonika-Aegean Command. Since as Greeks they never do anything for nothing, they were provided with the property of Jews which enabled this property to remain in Greece.

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